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REMARKS/ARGUMENTS

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In the October 27, 2006 Office Action, the Examiner rejected claims 1-7, 9-25, and 30-32 pending in the application. This Response cancels claims 2 and 4, without prejudice or disclaimer, and amends claims 1, 3, 5, and 32 for further consideration. After entry of the foregoing amendments, claims 1, 3, 5-7, 9-25, and 30-32 (3 independent claims; 24 total claims) remain pending in the application. Reconsideration is respectfully requested.

The Examiner first rejected claims 1, 6, 7, 9-12, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Hart, U.S. Patent No. 5,927,513 (hereafter "Hart") in view of Hartmann, U.S. Patent No. 590,571 (hereafter "Hartmann"). In particular, the Examiner stated that Hart teaches an apparatus for separating which comprises a frame, an adjustable screen positioned over a top of the frame, a removable trough, a motor, and a wheel. The Examiner further contends that the adjustable screen includes a lip member, a plurality of vertical support bars, and horizontal cross members. The Examiner also states that the trough includes a lip and handles and that the motor is attached to at least one horizontal cross member via a mounting plate. Finally, the Examiner also contends that the apparatus further includes a vertical bar member of adjustable height. The Examiner then states that Hart teaches all of the limitations of the claimed invention except for a platform attached to the frame for supporting the removable trough when the removable trough is not connected to the frame. The Examiner further states that Hartmann teaches a portable screening apparatus with a removable trough that is supported on a platform. The Examiner therefore contends that it would have been obvious to one of ordinary skill in the art to use the platform and removable trough of Hartmann with the portable separator taught by Hart in order to easily transport the trough to dump the oversized pieces at a different location.

The Examiner also rejected claims 2-4 under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Haffner, U.S. Patent No. 3,307,698 (hereafter "Haffner"). In particular, the Examiner states that Hart teaches all of the features of Applicant's claimed invention including a vertical bar member adjustable in height attached to the bottom surface of the screen but Hart does not teach a tow bar attached to the front end of the frame. The Examiner then contends that Haffner teaches a separating apparatus that includes a tow bar attached to the frame and a support bar attached to the tow bar. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to include the tow bar of Haffner on the frame of the

separating apparatus of Hart in order to attach the separator to a vehicle in order to more easily move it to different locations. Applicant respectfully traverses these rejections.

Applicant's currently amended independent claim 1 includes a tow bar having an upper surface and a lower surface attached to the front end of the frame and a vertical bar member of adjustable height attached to the upper surface of the tow bar and the bottom surface of the adjustable screen member. Neither Hart, Hartmann, or Haffner, either alone or in combination, disclosed these claimed elements. In addition, it would not have been obvious to one of ordinary skill in the art to attach the vertical bar member (30 and 32) in Hart to the upper surface of a tow bar and the bottom surface of the adjustable screen member because doing so would not enable the apparatus disclosed in Hart to be towed in that the wheels are positioned near the vertical bar members (38 and 32) and the front legs 26 and 28 of the frame would drag on the ground. Accordingly, Applicant contends that it would not have been obvious to one of ordinary skill in the art to combine the Hart, Hartmann and Haffner references to arrive at Applicant's amended claims.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Haffner as applied to claim 4 above, and further in view of Myer, U.S. Patent No. 1,011,899 (hereafter "Myer"). In particular, the Examiner states that Hart teaches all of the limitations of the claimed invention except for a crank shaft attached to the vertical bar member for adjusting the height of the vertical bar member. The Examiner then states that Haffner teaches a crank handle attached to a vertical bar member for adjusting the height of the bar but that the bar member of Haffner is a leg member and is not attached to the bottom surface of the screen member. The Examiner further states that Myer teaches a crank handle connected to a vertical bar member which is connected to an underside of a screen member. The Examiner then contends that it would have been obvious to one of ordinary skill in the art to use the crank arm of Myer on the adjustable height vertical member of Hart in order to make it easier to adjust the height of the screen member. Applicant respectfully traverses this rejection. In response to the Examiner's rejection, Applicant herein incorporates by reference the non-obvious arguments previously presented with respect to the rejection of claims 1-4, 6, 7, 9-12, 16 and 17.

Claims 13, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Bellamy et al., U.S. Patent No. 5,855,352 (hereafter "Bellamy"). In particular, the Examiner states that Hart teaches all of the limitations of the claimed invention except for the

mounting brackets. The Examiner then contends that Bellamy teaches mounting brackets for connecting two rigid elements where the brackets comprise an opening for retaining the horizontal cross bar member (see center of Fig. 2) and an outer layer (8 and 2), a middle layer (3) and an inner layer (1). The Examiner also contends that Bellamy teaches that the middle layer comprises an isolation material. Therefore, the Examiner contends that it would have been obvious to one of ordinary skill in the art to use the mounting brackets of Bellamy on the separating screen of Hart to damp vibratory motion between the two rigid elements, the vibrating screen assembly and the cross bar members, of Hart. Applicant respectfully traverses this rejection.

Bellamy generally discloses a hydraulic antivibration support having first and second rigid strength members (1 and 2) in the form of a plate and a bell-shaped elastomer body (3, 4) interconnecting the two rigid strength members and forming a work chamber (A) therebetween, and a compensation chamber (B) connected to a working chamber via a narrow channel (C) filled with liquid like the chambers. A hole (13) pierced in the plate is sealed by a flexible decoupling membrane (14) whose periphery is bonded to the rim of the hole by vulcanization. (See Fig. 2 and column 2, lines 3-5 and column 3, lines 47-64). In contrast to the Examiner's assertion, Bellamy fails to teach an opening within a bracket for retaining the horizontal cross bar member along with a number of layers which concentrically surround the opening. Instead, as disclosed in column 3, lines 47-64 of Bellamy, Bellamy discloses a hole (13) which is closed in a sealed manner by a flexible membrane (14) that separates the working chamber (A) from the ambient atmosphere. Accordingly, in that neither Hart or Bellamy, either alone or in combination, disclose each of the elements of Applicant's claims, it would not have been obvious to one of ordinary skill in the art to arrive at Applicant's claims in view of Hart and Bellamy.

Claims 18-21, 23-25, 30 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Bellamy for the same reasons outlined by the Examiner with respect to her rejection of claims 13, 14 and 15. Applicant's respectfully traverse this rejection. In response to the Examiner's rejection of claims 18-21, 23-25, 30 and 31, Applicant hereby incorporates by reference the arguments set out in a previous paragraph which deny the obviousness of Applicant's claims in view of Hart and Bellamy.

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Hartmann. In particular, the Examiner asserts that Hart teaches all of the limitations of the claimed invention except for a platform attached to the frame for supporting the removable trough. The Examiner then states that Hartmann teaches a portable screening apparatus with a removable trough that is supported on a platform. Therefore, the Examiner contends that it would have been obvious to one of ordinary skill in the art to use the platform and removable trough of Hartmann with the portable separator taught by Hart in order to easily transport the trough to dump the oversized pieces at a different location. Applicant respectfully traverses this rejection.

Applicant's claim 22 depends from Applicant's independent claim 18 which requires a pair of mounting brackets for mounting the horizontal cross bar member where the mounting brackets comprise an opening for retaining a horizontal cross bar member and an outer layer, a middle isolation layer, and an inner layer which lies adjacent to the opening. Neither Hart or Hartmann, either alone or in combination, disclose this element of Applicant's claim. Accordingly, it would not have been obvious to one of ordinary skill in the art to arrive at Applicant's claim in view of Hart and Hartmann.

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Hartmann. In particular, the Examiner states that Hart teaches a frame and a screen positioned over the frame where the frame and screen are movable connected at one end and the screen is adjustable in height, the height of the screen being capable of being raised at its adjustable end, pouring material onto the screen to be separated, and using a motor to vibrate the screen to assist in passing material through the screen where the material that does not pass through the screen is collected in a removable trough. The Examiner asserts that Hart teaches all of the limitations of the claimed invention except for a platform attached to the frame for supporting the removable trough. The Examiner then contends that Hartmann teaches a portable screening apparatus with a removable trough that is supported on a platform and that it would have been obvious to one of ordinary skill in the art to use the platform and removable trough of Hartmann with the portable separator taught by Hart in order to easily transport the trough to dump the oversized pieces at a different location. The Examiner further contends that while the combination of Hart in view of Hartmann does not specifically teach a method for separating, it would have been obvious to one of ordinary skill in the art to perform the method steps of

Applicant's claim 32 when using the apparatus taught by the combination of Hart and Hartmann in its usual and expected fashion as Hart teaches a separating apparatus that performs all of the claim method steps. Applicant respectfully traverses this rejection.

Applicant's amended claim 13 requires the steps of 1) providing a frame and a screen positioned over a top of the frame wherein the frame and the screen are movably connected to one another at one of their ends and the screen is adjustable in height relative to the frame at their opposite ends by an adjustable vertical bar member attached to an upper surface of a tow bar and a bottom surface of the screen, and 2) raising the height of the screen relative to the frame at its adjustable end by raising the height of the adjustable vertical bar member. Neither Hart nor Hartmann, either alone or in combination, discloses these limiting steps contained in Applicant's claims. Accordingly, it would not have been obvious to one of ordinary skill in the art to arrive at Applicant's claim 32 in light of Hart and Hartmann.

In view of the foregoing, Applicants respectfully submit that all of the pending claims fully comply with 35 U.S.C. §112 and are allowable over the prior art of record.

Reconsideration of the application and allowance of all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, then the Examiner is invited to telephone the undersigned at the Examiner's convenience. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. This statement does NOT authorize charge of the issue fee.

Respectfully submitted,

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